

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**JANET LEE JONES,
a.k.a. JANET LEE MATHIS,
a.k.a. JANET LEE SMEDLEY**
1227 Lorraine Drive
Redding, CA 96002

Registered Nursing License No. 515860

Respondent.

Case No. 2007-283

OAH No. 2007080855

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 5, 2008.

It is so ORDERED MAY 5, 2008.

LaTranene W Tate

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 GEOFFREY S. ALLEN, State Bar No. 193338
Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 322-5318
6 Facsimile: (916) 324-5567
E-mail: Geoffrey.Allen@doj.ca.gov

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8 Attorneys for Complainant

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10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2007-283

13 **JANET LEE JONES,**
14 **a.k.a. JANET LEE MATHIS,**
a.k.a. JANET LEE SMEDLEY
15 1227 Lorraine Drive
Redding, CA 96002

OAH No. 2007080855

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

16 Registered Nursing License No. 515860

17 Respondent.
18

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
20 above-entitled proceedings that the following matters are true:

21 PARTIES

- 22 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
23 the Board of Registered Nursing, Department of Consumer Affairs (Board). She brought this
24 action solely in her official capacity and is represented in this matter by Edmund G. Brown Jr.,
25 Attorney General of the State of California, by Geoffrey S. Allen, Deputy Attorney General.
- 26 2. Respondent Janet Lee Jones, also known as Janet Lee Mathis and Janet
27 Lee Smedley (Respondent), is represented in this proceeding by attorney Michael G. Sharpe,
28 whose address is 1574 West Street, Redding, California 96001.

3. On or about September 15, 1995, the Board issued Registered Nurse License Number 515860 (License) to Respondent. Respondent's License was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2009, unless renewed.

JURISDICTION

4. Accusation No. 2007-283 (Accusation) was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 10, 2007. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of the Accusation is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in the Accusation. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in the Accusation.

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9. Respondent agrees that her License is subject to discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nursing License No. 515860 issued to Respondent is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
2 A full and detailed account of any and all violations of law shall be reported by Respondent to
3 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
4 compliance with this condition, Respondent shall submit completed fingerprint forms and
5 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
6 as part of the licensure application process.

7 **Criminal Court Orders:** If Respondent is under criminal court orders, including
8 probation or parole, and the order is violated, this shall be deemed a violation of these probation
9 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

10 2. **Comply with the Board's Probation Program.** Respondent shall fully
11 comply with the conditions of the Probation Program established by the Board and cooperate
12 with representatives of the Board in its monitoring and investigation of the Respondent's
13 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
14 within no more than 15 days of any address change and shall at all times maintain an active,
15 current license status with the Board, including during any period of suspension.

16 Upon successful completion of probation, Respondent's license shall be fully
17 restored.

18 3. **Report in Person.** Respondent, during the period of probation, shall
19 appear in person at interviews/meetings as directed by the Board or its designated
20 representatives.

21 4. **Residency, Practice, or Licensure Outside of State.** Periods of
22 residency or practice as a registered nurse outside of California shall not apply toward a reduction
23 of this probation time period. Respondent's probation is tolled, if and when she resides outside
24 of California. Respondent must provide written notice to the Board within 15 days of any change
25 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
26 returning to practice in this state.

27 Respondent shall provide a list of all states and territories where she has ever been
28 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further

1 provide information regarding the status of each license and any changes in such license status
2 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
3 new nursing license during the term of probation.

4 5. **Submit Written Reports.** Respondent, during the period of probation,
5 shall submit or cause to be submitted such written reports/declarations and verification of actions
6 under penalty of perjury, as required by the Board. These reports/declarations shall contain
7 statements relative to Respondent's compliance with all the conditions of the Board's Probation
8 Program. Respondent shall immediately execute all release of information forms as may be
9 required by the Board or its representatives.

10 Respondent shall provide a copy of this Decision to the nursing regulatory agency
11 in every state and territory in which she has a registered nurse license.

12 6. **Function as a Registered Nurse.** Respondent, during the period of
13 probation, shall engage in the practice of registered nursing in California for a minimum of 24
14 hours per week for 6 consecutive months or as determined by the Board.

15 For purposes of compliance with the section, "engage in the practice of registered
16 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
17 work in any non-direct patient care position that requires licensure as a registered nurse.

18 The Board may require that advanced practice nurses engage in advanced practice
19 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
20 Board.

21 If Respondent has not complied with this condition during the probationary term,
22 and Respondent has presented sufficient documentation of her good faith efforts to comply with
23 this condition, and if no other conditions have been violated, the Board, in its discretion, may
24 grant an extension of Respondent's probation period up to one year without further hearing in
25 order to comply with this condition. During the one year extension, all original conditions of
26 probation shall apply.

27 7. **Employment Approval and Reporting Requirements.** Respondent
28 shall obtain prior approval from the Board before commencing or continuing any employment,

1 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
2 performance evaluations and other employment related reports as a registered nurse upon request
3 of the Board.

4 Respondent shall provide a copy of this Decision to her employer and immediate
5 supervisors prior to commencement of any nursing or other health care related employment.

6 In addition to the above, Respondent shall notify the Board in writing within
7 seventy-two (72) hours after she obtains any nursing or other health care related employment.
8 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
9 terminated or separated, regardless of cause, from any nursing, or other health care related
10 employment with a full explanation of the circumstances surrounding the termination or
11 separation.

12 8. **Supervision.** Respondent shall obtain prior approval from the Board
13 regarding Respondent's level of supervision and/or collaboration before commencing or
14 continuing any employment as a registered nurse, or education and training that includes patient
15 care.

16 Respondent shall practice only under the direct supervision of a registered nurse
17 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
18 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
19 are approved.

20 Respondent's level of supervision and/or collaboration may include, but is not
21 limited to the following:

22 (a) Maximum - The individual providing supervision and/or collaboration is
23 present in the patient care area or in any other work setting at all times.

24 (b) Moderate - The individual providing supervision and/or collaboration is in
25 the patient care unit or in any other work setting at least half the hours Respondent works.

26 (c) Minimum - The individual providing supervision and/or collaboration has
27 person-to-person communication with Respondent at least twice during each shift worked.

28 (d) Home Health Care - If Respondent is approved to work in the home health

1 care setting, the individual providing supervision and/or collaboration shall have person-to-
2 person communication with Respondent as required by the Board each work day. Respondent
3 shall maintain telephone or other telecommunication contact with the individual providing
4 supervision and/or collaboration as required by the Board during each work day. The individual
5 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
6 site visits to patients' homes visited by Respondent with or without Respondent present.

7 **9. Employment Limitations.** Respondent shall not work for a nurse's
8 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
9 traveling nurse, or for an in-house nursing pool.

10 Respondent shall not work for a licensed home health agency as a visiting nurse
11 unless the registered nursing supervision and other protections for home visits have been
12 approved by the Board. Respondent shall not work in any other registered nursing occupation
13 where home visits are required.

14 Respondent shall not work in any health care setting as a supervisor of registered
15 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
16 nurses and/or unlicensed assistive personnel on a case-by-case basis.

17 Respondent shall not work as a faculty member in an approved school of nursing
18 or as an instructor in a Board approved continuing education program.

19 Respondent shall work only on a regularly assigned, identified and predetermined
20 worksite(s) and shall not work in a float capacity.

21 If Respondent is working or intends to work in excess of 40 hours per week, the
22 Board may request documentation to determine whether there should be restrictions on the hours
23 of work.

24 **10. Complete a Nursing Course(s).** Respondent, at her own expense, shall
25 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
26 than six months prior to the end of her probationary term.

27 Respondent shall obtain prior approval from the Board before enrolling in the
28 course(s). Respondent shall submit to the Board the original transcripts or certificates of

1 completion for the above required course(s). The Board shall return the original documents to
2 Respondent after photocopying them for its records.

3 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
4 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
5 amount of \$5,079.50. Respondent shall be permitted to pay these costs in a payment plan
6 approved by the Board, with payments to be completed no later than three months prior to the
7 end of the probation term.

8 If Respondent has not complied with this condition during the probationary term,
9 and Respondent has presented sufficient documentation of her good faith efforts to comply with
10 this condition, and if no other conditions have been violated, the Board, in its discretion, may
11 grant an extension of Respondent's probation period up to one year without further hearing in
12 order to comply with this condition. During the one year extension, all original conditions of
13 probation will apply.

14 12. **Violation of Probation.** If Respondent violates the conditions of her
15 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
16 aside the stay order and impose the stayed discipline (revocation) of Respondent's license.

17 If during the period of probation, an accusation or petition to revoke probation has
18 been filed against Respondent's license or the Attorney General's Office has been requested to
19 prepare an accusation or petition to revoke probation against Respondent's license, the
20 probationary period shall automatically be extended and shall not expire until the accusation or
21 petition has been acted upon by the Board.

22 13. **License Surrender.** During Respondent's term of probation, if she ceases
23 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
24 probation, Respondent may surrender her license to the Board. The Board reserves the right to
25 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
26 take any other action deemed appropriate and reasonable under the circumstances, without
27 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
28 will no longer be subject to the conditions of probation.

1 Surrender of Respondent's license shall be considered a disciplinary action and
2 shall become a part of Respondent's license history with the Board. A registered nurse whose
3 license has been surrendered may petition the Board for reinstatement no sooner than the
4 following minimum periods from the effective date of the disciplinary decision:

5 (1) Two years for reinstatement of a license that was surrendered for any
6 reason other than a mental or physical illness; or

7 (2) One year for a license surrendered for a mental or physical illness.

8 14. **Physical Examination.** Within 45 days of the effective date of this
9 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
10 physician assistant, who is approved by the Board before the assessment is performed, submit an
11 assessment of the Respondent's physical condition and capability to perform the duties of a
12 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
13 medically determined, a recommended treatment program will be instituted and followed by the
14 Respondent with the physician, nurse practitioner, or physician assistant providing written
15 reports to the Board on forms provided by the Board.

16 If Respondent is determined to be unable to practice safely as a registered nurse,
17 the licensed physician, nurse practitioner, or physician assistant making this determination shall
18 immediately notify the Board and Respondent by telephone, and the Board shall request that the
19 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
20 shall immediately cease practice and shall not resume practice until notified by the Board.
21 During this period of suspension, Respondent shall not engage in any practice for which a license
22 issued by the Board is required until the Board has notified Respondent that a medical
23 determination permits Respondent to resume practice. This period of suspension will not apply
24 to the reduction of this probationary time period.

25 If Respondent fails to have the above assessment submitted to the Board within
26 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
27 practice until notified by the Board. This period of suspension will not apply to the reduction of
28 this probationary time period. The Board may waive or postpone this suspension only if

significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

15. **Participate in Treatment/Rehabilitation Program for Chemical Dependence.** Respondent, at her expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a Board-approved treatment/rehabilitation program of at least six months duration. As required, reports shall be submitted by the program on forms provided by the Board. If Respondent has not completed a Board-approved treatment/rehabilitation program prior to commencement of probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program. If a program is not successfully completed within the first nine months of probation, the Board shall consider Respondent in violation of probation.

Based on Board recommendation, each week Respondent shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall be added. Respondent shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation. Respondent shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

16. **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall completely abstain from the possession, injection or consumption by any route of all controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so as part of documented medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing health professional, a report identifying the medication, dosage, the date the medication was prescribed, the Respondent's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

1 Respondent shall identify for the Board a single physician, nurse practitioner or
2 physician assistant who shall be aware of Respondent's history of substance abuse and will
3 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
4 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
5 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
6 condition. If any substances considered addictive have been prescribed, the report shall identify a
7 program for the time limited use of any such substances.

8 The Board may require the single coordinating physician, nurse practitioner, or
9 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
10 addictive medicine.

11 **17. Submit to Tests and Samples.** Respondent, at her expense, shall
12 participate in a random, biological fluid testing or a drug screening program which the Board
13 approves. The length of time and frequency will be subject to approval by the Board.
14 Respondent is responsible for keeping the Board informed of Respondent's current telephone
15 number at all times. Respondent shall also ensure that messages may be left at the telephone
16 number when she is not available and ensure that reports are submitted directly by the testing
17 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
18 to the Board by the program and Respondent shall be considered in violation of probation.

19 In addition, Respondent, at any time during the period of probation, shall fully
20 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
21 tests and samples as the Board or its representatives may require for the detection of alcohol,
22 narcotics, hypnotics, dangerous drugs, or other controlled substances.

23 If Respondent has a positive drug screen for any substance not legally authorized
24 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
25 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
26 from practice pending the final decision on the petition to revoke probation or the accusation.
27 This period of suspension will not apply to the reduction of this probationary time period.

28 If Respondent fails to participate in a random, biological fluid testing or drug

1 screening program within the specified time frame, Respondent shall immediately cease practice
2 and shall not resume practice until notified by the Board. After taking into account documented
3 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
4 Board may suspend Respondent from practice pending the final decision on the petition to
5 revoke probation or the accusation. This period of suspension will not apply to the reduction of
6 this probationary time period.

7 **18. Mental Health Examination.** Respondent shall, within 45 days of the
8 effective date of this Decision, have a mental health examination including psychological testing
9 as appropriate to determine her capability to perform the duties of a registered nurse. The
10 examination will be performed by a psychiatrist, psychologist or other licensed mental health
11 practitioner approved by the Board. The examining mental health practitioner will submit a
12 written report of that assessment and recommendations to the Board. All costs are the
13 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
14 result of the mental health examination will be instituted and followed by Respondent.

15 If Respondent is determined to be unable to practice safely as a registered nurse,
16 the licensed mental health care practitioner making this determination shall immediately notify
17 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
18 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
19 practice and may not resume practice until notified by the Board. During this period of
20 suspension, Respondent shall not engage in any practice for which a license issued by the Board
21 is required, until the Board has notified Respondent that a mental health determination permits
22 Respondent to resume practice. This period of suspension will not apply to the reduction of this
23 probationary time period.

24 If Respondent fails to have the above assessment submitted to the Board within
25 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
26 practice until notified by the Board. This period of suspension will not apply to the reduction of
27 this probationary time period. The Board may waive or postpone this suspension only if
28 significant, documented evidence of mitigation is provided. Such evidence must establish good

1 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
2 provided. Only one such waiver or extension may be permitted.

3 19. **Therapy or Counseling Program.** Respondent, at her expense, shall
4 participate in an on-going counseling program until such time as the Board releases her from this
5 requirement and only upon the recommendation of the counselor. Written progress reports from
6 the counselor will be required at various intervals.

7 ACCEPTANCE

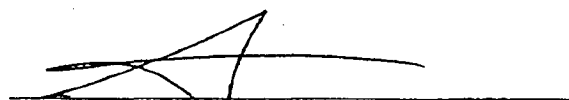
8 I have carefully read the above Stipulated Settlement and Disciplinary Order and
9 have fully discussed it with my attorney, Michael G. Sharpe. I understand the stipulation and the
10 effect it will have on my Registered Nursing License. I enter into this Stipulated Settlement and
11 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
12 Decision and Order of the Board of Registered Nursing.

13
14 DATED: 2.21.08

15
16 
17 JANET LEE JONES
Respondent

18 I have read and fully discussed with Respondent Janet Lee Jones the terms and
19 conditions and other matters contained in the above Stipulated Settlement and Disciplinary
20 Order. I approve its form and content.

21
22 DATED: 2/21/08

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25 MICHAEL G. SHARPE
Attorney for Respondent

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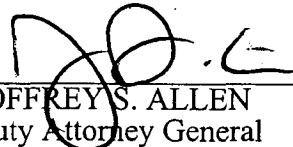
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 2/22/08

EDMUND G. BROWN JR., Attorney General
of the State of California

ARTHUR D. TAGGART
Supervising Deputy Attorney General



GEOFFREY S. ALLEN
Deputy Attorney General
Attorneys for Complainant

DOJ Matter ID: SA2006102026
10412662.wpd

Exhibit A

Accusation No. 2007-283

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 GEOFFREY S. ALLEN, State Bar No. 193338
Deputy Attorney General
4 California Department of Justice
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5341
Facsimile: (916) 327-8643

7 Attorneys for Complainant
8

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10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2007-283

13 JANET LEE JONES,
a.k.a. JANET LEE MATHIS,
14 a.k.a. JANET LEE SMEDLEY
2205 Hilltop Drive, #175
15 Redding, CA 96002

ACCUSATION

16 Registered Nurse License No. 515860

17 Respondent.
18

19 Complainant alleges:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
23 ("Board"), Department of Consumer Affairs.

24 2. On or about September 15, 1995, the Board issued Registered Nurse
25 License Number 515860 to Janet Lee Jones, also known as Janet Lee Mathis and Janet Lee
26 Smedley ("Respondent"). Respondent's registered nurse license was in full force and effect at all
27 times relevant to the charges brought herein and will expire on February 28, 2009, unless
28 renewed.

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1 (c) Be convicted of a criminal offense involving the prescription,
2 consumption, or self-administration of any of the substances described in
3 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
4 record pertaining to, the substances described in subdivision (a) of this section, in
5 which event the record of the conviction is conclusive evidence thereof...

6 7. Code section 2765 states:

7 A plea or verdict of guilty or a conviction following a plea of nolo
8 contendere made to a charge substantially related to the qualifications, functions
9 and duties of a registered nurse is deemed to be a conviction within the meaning
10 of this article. The board may order the license or certificate suspended or revoked,
11 or may decline to issue a license or certificate, when the time for appeal has elapsed,
12 or the judgment of conviction has been affirmed on appeal or when an order
13 granting probation is made suspending the imposition of sentence, irrespective of
14 a subsequent order under the provisions of Section 1203.4 of the Penal Code
15 allowing such person to withdraw his or her plea of guilty and to enter a plea of
16 not guilty, or setting aside the verdict of guilty, or dismissing the accusation,
17 information or indictment.

18 8. Code section 4060 states:

19 No person shall possess any controlled substance, except that furnished to
20 a person upon the prescription of a physician, dentist, podiatrist, optometrist,
21 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished
22 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section
23 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant
24 pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or
25 a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause
26 (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.
27 This section shall not apply to the possession of any controlled substance by a
28 manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist,
optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse
practitioner, or physician assistant, when in stock in containers correctly
labeled with the name and address of the supplier or producer.

Nothing in this section authorizes a certified nurse-midwife, a nurse
practitioner, a physician assistant, or a naturopathic doctor, to order his or
her own stock of dangerous drugs and devices.

Cost Recovery

9. Code section 125.3 provides, in pertinent part, that the Board may request
the administrative law judge to direct a licensee found to have committed a violation or
violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
and enforcement of the case.

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1 which the conviction is based occurred on approximately August 23, 1997.

2 e. On or about September 14, 1998, in the criminal proceeding titled *People*
3 *v. Janet Lee Jones also known as Mathis* (Muni. Ct. Shasta County, 1998, No. 98-3767),
4 Respondent was convicted by the Court on her plea of guilty to one misdemeanor count in
5 violation of Vehicle Code section 12500, subdivision (a) (unlawful to drive unless licensed).
6 The incident upon which the conviction is based occurred on approximately April 23, 1998.

7 f. On or about November 20, 2000, in the criminal proceeding titled *People*
8 *v. Janet Lee Jones, also known as Mathis* (Super. Ct. Shasta County, 2000, No. 00-4439),
9 Respondent was convicted by the Court on her plea of guilty to one misdemeanor count in
10 violation of Vehicle Code section 12500, subdivision (a) (unlawful to drive unless licensed).
11 The incident upon which the conviction is based occurred on approximately May 6, 2000.

12 g. On or about April 8, 2002, in the criminal proceeding titled *People vs.*
13 *Janet Lee Jones, also known as Mathis* (Super. Ct. Shasta County, 2002, No. 01-3398),
14 Respondent was convicted by the court on her plea of nolo contendere to one misdemeanor count
15 in violation of Penal Code section 166, subdivision (a)(4) (contempt of court - disobey court
16 order). The circumstances of the crime are that on or about March 19, 2001, Respondent
17 unlawfully committed contempt of court by willful disobedience of a process and order lawfully
18 issued by a court, to wit, a restraining order.

19 h. On or about April 8, 2002, in the criminal proceeding titled *People v.*
20 *Janet Lee Jones, also known as Mathis* (Super. Ct. Shasta County, 2002, No. 02-226),
21 Respondent was convicted by the Court on her plea of no contest to one misdemeanor count in
22 violation of Vehicle Code section 14601.5, subdivision (a) (driving when privilege suspended or
23 revoked). The incident upon which the conviction is based occurred on approximately December
24 11, 2001.

25 i. On or about June 3, 2003, in the criminal proceedings titled *People v.*
26 *Janet Lee Jones, also known as Mathis and Smedley* (Super. Ct. Shasta County, 2003, Nos. 02-
27 2760, 02-3429, and 02-9035), Respondent was convicted by the Court on her plea of no contest
28 to misdemeanor counts in violation of Vehicle Code section 23152, subdivision (b) (driving

1 while having a blood alcohol level of 0.08% or higher). The incidents upon which the
2 convictions are based occurred on approximately March 31, 2002^{1/}, April 18, 2002^{2/}, and
3 November 3, 2002^{3/}.

4 j. On or about May 24, 2004, in the criminal proceeding titled *People v.*
5 *Janet Lee Jones, also known as Mathis and Smedley* (Super. Ct. Shasta County, 2004, No. 04-
6 01613), Respondent was convicted by the Court on her plea of guilty to one misdemeanor count
7 in violation of Health and Safety Code section 11364 (possession of an injecting/smoking
8 device). Respondent was also charged with one count in violation of Health and Safety Code
9 section 11366 (maintaining a place for selling/using a controlled substance); however, that
10 charged was dismissed in view of the plea agreement. The circumstances of the crime are that on
11 or about November 25, 2003, Respondent unlawfully possessed an opium pipe and device,
12 contrivance, instrument, and paraphernalia used for unlawfully injecting and smoking a
13 controlled substance.

14 k. On or about August 26, 2005, in the criminal proceeding titled *People v.*
15 *Janet Lee Jones, also known as Mathis and Smedley* (Super. Ct. Shasta County, 2005, No. 04-
16 04512), Respondent was convicted by the Court on her plea of nolo contendere to one
17 misdemeanor count in violation of Harbors and Navigation Code section 655, subdivision (c)
18 (operation while having a .08% or higher blood alcohol). The incident upon which the
19 conviction is based occurred on approximately May 30, 2004.

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22 1. Respondent was also charged with one count in violation of Vehicle Code section 23152, subdivision (a)
23 (driving under the influence of alcohol or drugs), one count in violation of Vehicle Code section 14601.1,
24 subdivision (a) (driving when privilege suspended or revoked), and one count in violation of Penal Code section
25 242 (battery); however, these charges were dismissed in view of the plea agreement.

26 2. Respondent was originally charged with one count in violation of Vehicle Code section 23152,
27 subdivision (a) (driving under the influence of alcohol or drugs) and one count in violation of Vehicle Code
28 section 14601.1, subdivision (a) (driving when privilege suspended or revoked); however, these charges were
dismissed in view of the plea agreement.

3. Respondent was also charged with one count in violation of Vehicle Code section 23152, subdivision (a)
(driving under the influence of alcohol or drugs) and one count in violation of Vehicle Code section 14601.2,
subdivision (a) (driving when privilege suspended for prior DUI conviction); however, these charges were
dismissed in view of the plea agreement.

1 l. On or about August 26, 2005, in the criminal proceeding titled *People v.*
2 *Janet Lee Jones, also known as Mathis and Smedley* (Super. Ct. Shasta County, 2005, No.
3 04M6820), Respondent was convicted by the Court on her plea of no contest to one
4 misdemeanor count in violation of Penal Code section 647, subdivision (f) (drunk in public).

5 m. On or about August 26, 2005, in the criminal proceeding titled *People v.*
6 *Janet Lee Jones, also known as Mathis and Smedley* (Super. Ct. Shasta County, 2005, No.
7 05CRTR498), Respondent was convicted by the Court on her plea of no contest to one
8 misdemeanor count in violation of Vehicle Code section 14601.2, subdivision (a) (driving on a
9 suspended license).

10 n. On or about March 20, 2006, in the criminal proceeding titled *People v.*
11 *Janet Lee Jones, also known as Mathis and Smedley* (Super. Ct. Shasta County, 2006, No. 05-
12 07500), Respondent was convicted by the Court on her plea of guilty to one misdemeanor count
13 in violation of Code section 4060 (possession of a controlled substance). Respondent was
14 originally charged with one count in violation of Health and Safety Code 11350, subdivision (a)
15 (possession of a controlled substance), and one count in violation of Penal Code section 273,
16 subdivision (a)(b) (child endangerment); however, those charges were dismissed in view of the
17 plea agreement. The circumstances of the crime are that on or about July 11, 2005, Respondent
18 possessed unknown quantities of the controlled substance Vicodin without a valid prescription
19 from a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Possession of a Controlled Substance)**

22 12. Respondent's registered nurse license is subject to disciplinary action
23 pursuant to Code Section 2761, subdivision (a), on the grounds of unprofessional conduct, as
24 defined in Code section 2762, subdivision (a), in that on or about July 11, 2005, she possessed
25 the controlled substance Vicodin without a valid prescription from a physician, dentist,
26 podiatrist, optometrist, veterinarian, or naturopathic doctor, in violation of Code Section 4060.

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1 3. Taking such other and further action as deemed necessary and proper.
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3 DATED: _____
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5/3/07

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6 RUTH ANN TERRY, M.P.H., R.N.
7 Executive Officer
8 Board of Registered Nursing
9 Department of Consumer Affairs
10 State of California
11 Complainant
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28 Jones, Janet Lee.acc.wpd

clp 3/9/07